

REMARKS/ARGUMENTS

In response to the Examiner's further Office Action of September 17, 2008 the Applicant respectfully submits the accompanying Amendment of the claims and the below Remarks.

Regarding Amendment

In the Amendment:

independent claim 1 is amended to omit recitation of the working arm of the actuator and to specify that the ink-ejecting mechanism has at least one piston that is displaceable to generate the pressure pulse, the working member of the actuator rectilinearly expands and contracts relative to the substrate, and the energy transmitting means transmits the energy generated by the working member to the piston. Support for this amendment can be found at page 5, lines 1-27 and in Fig. 1 of the present application;

dependent claim 4 is cancelled;

dependent claim 5 is amended to depend directly from amended claim 1; and

dependent claims 3, 6 and 10 are unchanged.

It is respectfully submitted that the Amendment does not add any new matter to the present application.

Regarding 35 USC 103(a) Rejections

It is respectfully submitted that the subject matter of amended independent claim 1, and claims 3, 5, 6 and 10 dependent therefrom, is not taught or suggested by Fuji in view of newly cited Silverbrook (US 6,227,654), because one of ordinary skill in the art clearly understands that the diaphragm 1005 of Fuji and the paddle 6 of Silverbrook cannot be considered to be pistons, as is required by the claimed invention.

Regarding Allowable Subject Matter

The Applicant appreciates the Examiner's indication of the allowability of the subject matter of pending claims 4-6 under the conditions stated in the Office Action.

It is respectfully submitted that all of the Examiner's objections and rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

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